

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 72

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JEAN-LOUIS MANDEL, FRANCOIS ROUSSEAU; ISABELLE OBERLE  
(DECEASED),  
by STEPHANE HEIDET (HEIR), ANNE VINCENT and DOMINIQUE HEITZ

Junior Party,<sup>1</sup>

C. THOMAS CASKEY, DAVID L. NELSON, MAURA PIERETTI,  
STEPHEN T. WARREN, BEN A. OOSTRA and YING-HUI FU

Junior Party,<sup>2</sup>

v.

C. THOMAS CASKEY, DAVID L. NELSON, MAURA PIERETTI,  
STEPHEN T. WARREN and BEN A. OOSTRA

Junior Party,<sup>3</sup>

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<sup>1</sup> Application 07/815,932, filed December 30, 1991.  
Accorded Benefit of French Application N09101684, filed  
February 13, 1991.

<sup>2</sup> Application 07/751,891, filed August 29, 1991.  
Accorded Benefit of Application 07/705,490, filed May 24,  
1991.

<sup>3</sup> Application 07/705,490, filed May 24, 1991.

Interference No. 103,451

v.

GRANT R. SUTHERLAND, ROBERT I. RICHARDS,  
DAVID SCHLESSINGER, RAMAIAH NAGARAJA, ERIC J. KREMER,  
SUI YU, ELIZABETH BAKER, JOHN C. MULLEY, JEAN-LOUIS MANDEL,  
MELANIE A. PRITCHARD and MICHAEL LYNCH

Interference No. 103,451

Senior Party.<sup>4</sup>

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Interference No. 103,387

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Before URYNOWICZ, SOFOCLEOUS, and DOWNEY, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT

Caskey et al. and Mandel et al., the junior parties, failed to make any showing why judgment on the record should not be entered against them, in view of the fact that they failed to file preliminary statements, and the time allowed for such showing has expired.

Accordingly, pursuant to the order of October 14, 1997, judgment under 37 CFR § 1.640(e) as to the subject matter of the count in issue is awarded to Grant R. Sutherland, Robert I. Richards, David Schlessinger, Ramaiah Nagaraja, Eric J. Kremer,

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<sup>4</sup> Application 08/118,200, filed September 9, 1993. Accorded Benefit of U.S. Applications 07/802,650, filed December 6, 1991; 07/672,232, filed March 20, 1991; 07/638,518, filed January 4, 1991; and 07/996,517, filed December 23, 1992; all abandoned.

Interference No. 103,451

Sui Yu, Elizabeth Baker, John C. Mulley, Jean-Louis Mandel, Melanie A. Pritchard and Michael Lynch, the senior party. On the present record, Caskey et al. (Application Serial No. 07/751,891), the junior party, are not entitled to a patent containing claims 1 to 6, 15 to 21 and 24 to 31 corresponding to the count, Caskey et al. (Application Serial No. 07/705,490), the junior party, are not entitled to a patent containing claims 2, 3 and 16 to 22 corresponding to the count; Mandel et al., the junior party, are not entitled to a patent containing claims 14, 15 and 17 to 24 corresponding to the count; and Sutherland et al., the senior party, are entitled to a patent containing claims 1 to 22, 25 and 28 to 32 corresponding to the count.

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	STANLEY M. URYNOWICZ, JR.	)	
	Administrative Patent Judge	)	
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		)	
	_____	)	BOARD OF
PATENT		)	
	MICHAEL SOFOCLEOUS	)	APPEALS AND
	Administrative Patent Judge	)	INTERFERENCES
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	MARY F. DOWNEY	)	

Interference No. 103,451

Administrative Patent Judge        )

Interference No. 103,451

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